

**AGENDA FOR THE
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MONDAY, APRIL 21, 2003 AT 2:00 P.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, APRIL 21, 2003 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

A ITEM-30: Take Your Daughters and Sons to Work Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1202)

Proclaiming April 24, 2003 to be "Take Our Daughters and Sons to Work Day", and encouraging families to use this special day as an opportunity to discuss the events of the day at home with their family members.

SPECIAL ORDERS OF BUSINESS

ITEM-31: Frank and Stacy Konyn Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1189)

Recognizing Frank and Stacy Konyn for their many contributions and service to

San Diego;

Proclaiming April 21, 2003, to be “Frank and Stacy Konyn Day” in the City of San Diego.

SUPPORTING INFORMATION:

Frank and Stacy Konyn are active with the Young Farmers and Ranchers in San Diego County. They manage the family dairy which has been active in the San Pasqual Valley for over forty years. Stacy is a high school agriculture instructor at Escondido High School and a Future Farmers of America Advisor. Both Frank and Stacy have been active in numerous local, state, and national leadership positions including the State Farm Bureau, the San Pasqual and Lake Hodges Planning Commission, and the State Milk Advisory Board.

Maienschein

SPECIAL ORDERS OF BUSINESS

ITEM-32: Laura Black Day.

COUNCILMEMBER FRYE’S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1194)

Commending Laura for her continued commitment as President of the North City Youth Baseball League to making this league such a success for everyone involved;

Proclaiming April 21, 2003 to be “Laura Black Day” in the City of San Diego.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50 and 51.

ORDINANCES TO BE INTRODUCED:

Items 52, 53, and 54.

ORDINANCES TO BE INTRODUCED, WITH RESOLUTIONS TO BE ADOPTED:

Item 55.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, and 118.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-50: Amending the San Diego Municipal Code to Authorize Forfeiture of Nuisance Vehicles Engaged in Illegal Motor Vehicle Speed Contests or Exhibitions of Speed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/7/2003 (Council voted 9-0):

(O-2003-106)

Amending Chapter V, Article 2, of the San Diego Municipal Code by adding a new Division 53, titled "Forfeiture of Nuisance Vehicles Engaged in Illegal Motor Vehicle Speed Contests or Exhibitions of Speed;" and by adding new Sections 52.5301, 52.5302, 52.5303, 52.5304, 52.5305, 52.5306, 52.5307, 52.5308, 52.5309, 52.5310, 52.5311, 52.5312, 52.5313, 52.5314, 52.5315, 52.5316, 52.5317, 52.5318, 52.5319, 52.5320, 52.5321, 52.5322, 52.5323, 52.5324, to authorize the civil forfeiture of nuisance vehicles used in motor vehicle speed contests or exhibitions of speed and to authorize forfeiture even when the registered owner is not the driver or passenger in the vehicle at the time of the offense.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-51: Kumeyaay Elementary School Joint Use Agreement.

(Tierrasanta Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/1/2003 (Council voted 9-0):

(O-2003-126)

Authorizing the City Manager to execute an agreement for the construction, operation, maintenance, and lease of turf fields and recreational facilities at Kumeyaay Elementary School [Joint Use Agreement] with the San Diego Unified School District of San Diego County, California, for the construction, operation, maintenance, and lease of playing fields and a parking lot at Kumeyaay Elementary School.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

* ITEM-52: Amending the San Diego Municipal Code Relating to Periodic Temporary Park Closures.

(Navajo Community Area. District-7.)

MAYOR MURPHY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-49 Cor. Copy)

Introduction of an Ordinance amending Chapter 6, Article 3, Division 1, of the San Diego Municipal Code by adding new Section 63.0130, relating to periodic temporary park closures.

SUPPORTING INFORMATION:

The City of San Diego currently provides year round recreational opportunities for the Navajo Community through the use of Allied Gardens Community Park, and the lease and joint use of Lewis Middle School Joint Use Facility.

As a result of this year round use by passive park users, organized athletic leagues and casual athletic use, the central turf area of the Allied Gardens Community Park, and the turf fields of Lewis Middle School Joint Use Facility do not perform properly thereby not providing a sports/recreational turf area of high quality.

The City Council recognizes the need to provide high quality turfed sports and recreational facilities within Navajo Community.

With the intent of providing such facilities, the Allied Gardens Community Park and Lewis Middle School Joint Use Facility (Lower Lewis Field and Skunk Hollow site), will have a yearly staggered non-use resting period. This staggered period will be for at least thirty consecutive days each between May 1st and August 31st of each year.

The program will begin the calendar year of 2003.

FISCAL IMPACT:

Annual maintenance costs for fence rental, installation and removal are estimated to be \$4,000. Funding will be budgeted annually into the Park and Recreation Operations and Maintenance Budget. Funding for 2003 will be absorbed in the Park and Recreation Department's FY 2003 Operations and Maintenance budget.

Murphy/Baber/JH

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-53: Amendment to Chapter 6, Article 5, Division 2 of the San Diego Municipal Code Relating to Maintenance Assessment Districts.

(See Report from the City Attorney dated 2/7/2003; and letter from Marco LiMandri dated 9/30/2002.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2003-129)

Introduction of an Ordinance amending Chapter 6, Article 5, Division 2, of the San Diego Municipal Code by amending Sections 65.0201, 65.0202 by renumbering

Section 65.0206 to Section 65.027; and creating a new Section 65.0206, all relating to maintenance assessment districts.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 2/12/2003, LU&H voted 5 to 0 to amend the existing Municipal Code provisions governing Maintenance Assessment Districts to allow assessments to be levied and used for parking, marketing and promotion, and economic development provided that an assessment engineer can determine the improvements or services confer a special benefit to real property owners located within an existing or proposed district and the proposed service is consistent with Proposition 218. The City Manager and the City Attorney were directed to bring the revised Municipal Code to City Council. (Councilmembers Peters, Zucchet, Atkins, Lewis, and Frye voted yea.)

SUPPORTING INFORMATION:

At the February 12, 2003 Land Use and Housing Committee, a Report was submitted by the City Attorney's Office regarding maintenance assessment districts [MAD]. The Report, dated February 7, 2003, addressed a proposal to amend the San Diego Municipal Code to enable the creation of a new form assessment district. The Committee directed the City Attorney to prepare an amendment to the Municipal Code to expand the definition of the term "improvement" for MADs. The term "improvement" is to be expanded to allow for a variety of facilities, services, and activities to be maintained within a MAD, provided that an engineer certified by the state determines that the improvements provide special benefit to properties in a proposed or existing MAD.

Ewell/Devaney/KS

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

* ITEM-54: Constitutionality of the City's Regulation of "For Sale" Signs on Parked Vehicles.

(See City Attorney Report dated 1/14/2003, and memorandum from Cruz Gonzalez and Marcia Samuels dated 3/20/2003.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2003-102 Cor. Copy)

Introduction of an Ordinance amending Chapter 8, Article 6, of the San Diego Municipal Code by amending Section 86.23 relating to Use of Streets for Storage, Service, or Sale of Vehicles, or for Habitation in Vehicles.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S

RECOMMENDATION:

On 3/26/2003, PS&NS voted 5 to 0 to forward the City Attorney's recommendation regarding repeal of the Municipal Code Section pertaining to the City's regulation of "For Sale" signs on parked vehicles to the City Council. Develop an ordinance to address "For Sale" signs on parked vehicles targeting specific streets identified by community groups and doing appropriate signing on those streets as a deterrent. Provide community planning groups an opportunity to review the draft ordinance prior to bringing it to the Public Safety and Neighborhood Services Committee. Request Governmental Relations Department include, as part of its legislative agenda, changing State law to allow City regulation of "For Sale" signs on parked vehicles. (Councilmembers Zucchet, Atkins, Lewis, Maienschein, and Frye voted yea.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCE TO BE INTRODUCED, WITH RESOLUTION TO BE ADOPTED:

- * ITEM-55: Conflict of Interest Code and Indemnification for Loan Board for the San Diego Regional Revolving Loan Fund.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2003-139)

Introduction of an Ordinance authorizing that the San Diego Regional Revolving Loan Fund (SDRRLF) Board Members be indemnified from personal liability when serving within the scope of their duties.

Subitem-B: (R-2003-1185)

Adopting a Conflict of Interest Code for the Board for the new San Diego Regional Revolving Loan Fund (SDRRLF), consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission;

Declaring that the persons whose positions are designated in the new SDRRLF Board's Conflict of Interest Code shall file their statements of economic interest with the City Clerk.

CITY MANAGER'S SUPPORTING INFORMATION:

On July 8, 2002, the City Council adopted Resolution R-296757, establishing the San Diego Regional Revolving Loan Fund (SDRRLF). That resolution also authorized the City Manager to establish a Loan Committee to review SDRRLF loan applications. Because the Loan Committee will not be solely advisory, the City Attorney and City Manager are recommending that a conflict

of interest code be adopted for the Loan Committee. The conflict of interest code consists of standard terms from California Code of Regulations, Title 2, Section 18730, Appendix A, showing designated positions and their duties, and Appendix B, showing disclosure categories for the designated positions.

Additionally, the City Attorney and City Manager are recommending that the Council approve an ordinance authorizing that the SDRRLF Loan Committee be indemnified from personal liability when serving within the scope of their duties. The SDRRLF Loan Committee will consist of volunteer members from the private sector with expertise in commercial credit and lending, corporate finance, law, accounting and emerging technologies. They will be expected to devote significant time and expertise to the SDRRLF program, and concerns about personal exposure to liability may limit the Manager's ability to recruit quality professionals to serve on the Committee. The Council previously approved by O-18106 the same indemnification for the members of the EmTek Loan Committee, which performs the same functions for the EmTek Loan program.

Herring/Cunningham/THR

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Consultant Agreement - University City North/South Corridor Study.

(University Community Area. District-1.)

(Continued from the meeting of 4/7/2003, Item 200, at the request of Councilmember Peters, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1141)

Authorizing the City Manager to execute a phase funded agreement with Project Design Consultants to provide professional consulting services related to the University City North/South Transportation Corridor Project (Project);

Authorizing the expenditure of an amount not to exceed \$1,773,300, solely and exclusively for the purpose of providing funds for the Project, and provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under said Project are, or will be, on deposit in the City Treasury as follows:

- A. Funds for Phase I of the Project, in Fiscal Year 2003, in the amount of \$1,120,300, of which \$620,300 is from CIP-52-044.0, Regents Road Bridge, Fund 79001 and \$500,000 is from CIP-52-458.0, Genesee Avenue

- Nobel Drive to State Route 52, Fund 79001.

- B. Funds for Phase II of the Project, in Fiscal Year 2004, in the amount of \$653,000 of which \$300,000 is from CIP-52-044.0, Regents Road Bridge, Fund 79001 and \$353,000 is from CIP-52-458.0, Genesee Avenue - Nobel Drive to State Route 52, Fund 79001, contingent upon the approval of Fiscal Year 2004 North University City Facility Financing Plan and Fiscal Year 2004 Capital Improvements Plan Budget.

CITY MANAGER SUPPORTING INFORMATION:

The University City North/South Transportation Corridor project is being proposed as a means of improving traffic circulation within the University community area. Two of the projects identified in the University Community Plan are the widening of Genesee Avenue between Nobel Drive and State Route 52 and the construction of a bridge over Rose Canyon connecting the northern and southern portions of Regents Road. At the University Community Planning Group meeting in June of 2002, the community identified potential areawide network solutions to meet traffic circulation needs in addition to or in place of the two previously mentioned. This project will study a range of alternatives proposed by the community as well as the original projects identified in the community plan. An important component of this study requires significant public outreach and stakeholder involvement. A working group consisting of representatives from residential, commercial and environmental interest will be formed and will participate in the identification and ranking of various alternatives. The first phase of this project will include professional services needed for a traffic study such as phasing components, trip linkage differences, attractors & generators, and traffic simulation. Also included are the preliminary engineering of different alternatives and planning level construction cost estimates. The second phase will consist of the preparation of an environmental document.

FISCAL IMPACT:

The maximum expenditure under the terms of this Agreement is \$1,773,300. The agreement is phase funded and funds for Phase I are available from CIP-52-044.0 - Regents Road Bridge, Fund 79001 (\$620,300) and from CIP-52-458.0 - Genesee Avenue-Nobel Drive to State Route 52, Fund 79001 (\$500,000). It is anticipated that funds for Phase II will be available in Fiscal Year 2004 in the amount of \$300,000 from CIP-52-044.0 - Regents Road Bridge, Fund 79001 and \$353,000 from CIP-52-458.0 - Genesee Avenue-Nobel Drive to State Route 52.

Loveland/Belock/PB

Aud. Cert. 2301015.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

- * ITEM-101: Two actions related to Inviting Bids and Award of Contract for Sewer Pump Station No. 18 Rehabilitation.

(See memorandum from Frank Belock, Jr., dated 1/8/2003. Pacific Beach Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-840)

Approving the plans and specifications and inviting bids for the Construction of Sewer Pump Station 18 Rehabilitation (Project) on Work Order No. 175191;

Authorizing the City Manager to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$4,461,294, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the additional expenditure of an amount not to exceed \$4,074,129 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, solely and exclusively for the purpose of providing funds for the Project and related costs, contingent upon the passage of the Fiscal Year 2004 Capital Improvement Program and Appropriations Ordinance Budgets, and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Authorizing the City Manager to execute an agreement with the California Coastal Commission with conditions necessary to obtain a Coastal Development Permit. (BID-K03589C)

Subitem-B: (R-2003-841)

Certifying that the information contained in the final Mitigated Negative Declaration, PTS No. 2830, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the construction of the Project;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/15/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

SUPPORTING INFORMATION:

Sewer Pump Station No. 18 is located at 597 Loring Street. The existing pump station was built in 1950 and exceeded its service life. The project's goal is to replace and improve the reliability of the pump station and bring it under current standards and regulations.

The project consists of rehabilitation of existing pump station, including the construction of a new emergency storage tank, influent and overflow piping, pumps, valves, mechanical, architectural, cutoff walls, and the installation of approximately 2,100 feet of dual force main. During the construction phase of the project, the contractor's work hours will be between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. Furthermore, the site will be fenced for safety during, and at the completion of each working day for the duration of the project.

During design, Project Manager and Project Engineer presented the project to the community. Nearby residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution. Traffic plans have been prepared for this project and will be implemented during the construction operations.

Council action is required to advertise and award the project, as well as approve an agreement with the Coastal Commission. The agreement incorporates the conditions necessary to obtain a Coastal Development permit for the project, as set forth in the Coastal Commission Staff Report. The Staff Report includes provisions regarding public access, post construction rip rap maintenance, summer moratorium, project's overall aesthetic features, assumption of risk, waiver of liability, and indemnification.

FISCAL IMPACT:

The total estimated cost of this project is \$4,461,294. Funds of \$4,074,129 are available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations. This project is scheduled to be phase funded over FY2004 to FY2005.

Loveland/Belock/HR

WWF-03-644.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-102: Transfer of Funds - Lindbergh Neighborhood Park Tot Lot Upgrade.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1181)

Authorizing the City Manager to award the Project contract to Telliard Construction in an amount not to exceed \$197,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2003 Capital Improvement Program Budget by increasing CIP-29-470.0, Lindbergh Neighborhood Park Tot Lot Upgrade, by \$15,000;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to appropriate and expend an additional amount not to exceed \$15,000 from Park Bond Funds, Fund No. 38156, CIP-29-470.0, Lindbergh Neighborhood Park Tot Lot Upgrade;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Lindbergh Neighborhood Park Tot Lot Upgrade is located at 4141 Ashford Street. This project will provide for the upgrade and renovation of the existing tot lot by adding new play equipment and ADA accessibility.

In March 2000, California voters approved the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 (2000 Park Bond). On August 15, 2000, City Council adopted Resolution 293698 authorizing the City Manager to secure grant funding under the 2000 Park Bond, including a \$100,000 grant for improvements at the Lindbergh Neighborhood Park Tot Lot Upgrade. The City Manager has secured 2000 Park Bond funds and has entered in a grant contract for Park Bond Per Capita and Robert-Z'berg Harris Per Capita Funds. The current action will allocate an additional \$15,000 in 2000 Park Bond to the Lindbergh Neighborhood Park Tot Lot Upgrade. On November 1, 2002, five bid packages were received for the project. The lowest responsible bid was submitted in the amount of \$197,000 which was 8.1% higher than the project estimate. This request will transfer additional funds into the project to allow the City Manager to enter into a contract with the lowest bidder. Staff believes readvertising the project will not result in a lower bid and any delays will have significant higher costs associated to the project.

FISCAL IMPACT:

The estimated project cost is \$272,600 of which \$257,600 has been previously approved. The remaining funds (\$15,000) will be available in Fund No. 38156, Lindbergh Neighborhood Park

Tot Lot Upgrade.

Loveland/Belock/AO

Aud. Cert. 2301029.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-103: Vacation of a Water Easement in Lots 1 through 16 of Map 4039.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1171)

Vacating the City's interest in the water easement in Lots 1 through 16 of Map 4039.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a water easement in Lots 1 through 16 in Map No. 4039. This property is located in the La Jolla area within Council District 1. The removal of this easement will permit the applicant a greater use of his property which is also limited by a steep slope on the northerly 30% of his lot. The City accepted the water easement in 1958 and never installed facilities within the easement area. This easement is on private property and its only purpose is to allow the City to construct and maintain water facilities within the easement. There are no existing or planned water lines within the easement area. No rights are granted to the public by the easement and the vacation of this easement will relieve the City of the responsibility to maintain the easement area. The Water Section of the Development Services Department has reviewed the vacation request and recommends approval of the abandonment. This easement was acquired at no cost to the City.

City staff recommends approval of the easement vacation.

FISCAL IMPACT:

None, all costs have been paid by the applicant.

Ewell/Broughton/AEA

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-104: Water and Sewer Easement Vacation in Lots 5 and 6 of Map No. 12678.

(Tierra Santa Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1173)

Vacating the City's interest in the water and sewer utility easement in Lots 5 and 6 of Map 12678.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a water and sewer easement in Lots 5 and 6 of Map 12678. This property is located in the Tierra Santa community area within Council District 7. The easement is on private property and there are no existing facilities within the easement area. The applicant has an approved development which requires that the water and sewer easement be vacated. The Water and Waste Water Section of the Development Services Department has reviewed the abandonment request and recommends approval of the vacation. The vacation of this easement will relieve the City of the responsibility to maintain the easement area. The easement was acquired at no cost to the City.

FISCAL IMPACT:

None, all costs have been paid by the applicant.

Ewell/Broughton/AEA

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-105: Vacation of a Sewer Easement in a Portion of Pueblo Lot 1788.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1167)

Vacating the sewer easement in a portion of Pueblo Lot 1788 to unencumber this property under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a sewer easement in a portion of Pueblo Lot 1788. This property is located in the Pacific Beach Planning area within Council District 2. The sewer easement to be vacated is 10 feet wide. The applicant has granted a 30 feet wide general utility easement in its place making the sewer easement unnecessary. The Waste Water Section of the Development Services Department has reviewed the vacation request and recommends approval of the sewer vacation. This easement was acquired at no cost to the City. City staff recommends approval of the easement vacation.

FISCAL IMPACT:

None, all costs have been paid by the applicant.

Ewell/Broughton/AEA

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-106: Developer Fees FY2002 Annual Report.

(See City Manager Report CMR-03-066.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1176)

Accepting the Developer Fees FY2002 Annual Report and making findings with respect to funds reflected in the Developer Fees FY2002 Annual Report as having been collected over five years before June 30, 2002, as stated in Attachment 6 of the Developer Fees FY2002 Annual Report.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-107: Homeless Task Force Recommendations.

(See City Manager Report CMR-02-279.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1150)

Accepting the Homeless Services Task Force Report;

Directing the City Manager to:

1. Begin the process of updating City Council Policy 000-51 as recommended by the Homeless Services Task Force;
2. Begin the process of establishing a Homeless Advisory Committee and Siting Guidelines Task Force as recommended in the Homeless Services Task Force Report;
3. Prioritize and analyze the remaining recommendations of the Homeless Services Task Force with the participation of the newly formed Homeless Advisory Committee and return with recommendations and fiscal impacts;
4. Review the relationship between homelessness and jobs; analyze other ways to assist renters including unjust evictions and the cost of multiple credit checks; and analyze the pros and cons of a liveable wage ordinance.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/27/2002, LU&H voted 5 to 0 to accept the City Manager's recommendations and include for additional review: a) The relationship between homelessness and jobs, b) other ways to assist renters including with unjust evictions and the cost of multiple credit checks, and c) the pros and cons of a liveable wage ordinance. (Councilmembers Peters, Zucchet, Lewis, Maienschein, and Frye voted yea.)

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-108: Parcel Map TM-98-0395 Including General Utility and Access Easement Vacations.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1144)

Approving Parcel Map I.D. No. 99-068.

CITY MANAGER SUPPORTING INFORMATION:

This parcel map proposes the subdivision of a 59.124 acre site into nine parcels for industrial development. It is located north of Eastgate Mall, west of Interstate 805, in the University Community Plan area. This map requires Council approval because easements are being vacated on the map.

The existing general utility and access easements granted on Parcel Map No. 18044 are no longer necessary for the planned development, and are therefore being vacated. New general utility and access easements are being granted on the map to accommodate the new utility locations. Staff has determined that the revised project is consistent with all previously approved permits.

On November 5, 1998, the Planning Commission of the City of San Diego approved TM-98-0395 by PC No. 2725-PC. The City Engineer has approved the parcel map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this parcel map have been completed in connection with Bridgepointe Corporate Center (W.O. 990056).

This project is expected to generate approximately 3,613 average daily trips (ADT). The project is estimated to add 360 ADT to I-5 north of Genesee Avenue which carries approximately 151,000 ADT, and 540 ADT to I-5 south of Genesee Avenue which carries approximately 152,000 ADT. Near-term improvements include adding axillary lanes between the I-5/I-805 merge and La Jolla Village Drive. Planned future improvements include the addition of two high occupancy (HOV) lanes from the I-5/I-805 merge to I-8. The project is also expected to add 720 ADT to I-805 north of La Jolla Village Dr. which carries approx. 169,400 ADT, and 900 ADT to I-805 south of Nobel Dr. which carries approximately 198,300 ADT. Anticipated improvements include widening La Jolla Village Dr. to eight lanes and provide three lanes to southbound I-805, and conversion of the I-805/La Jolla Village Dr. interchange from a full cloverleaf to a partial cloverleaf.

In order to satisfy Condition 11 of TM-98-0395, subdivider is entering into a bonded Deferred Improvement Agreement for the construction of a future traffic signal, street modifications and appurtenances at Eastgate Mall and the easterly driveway of the project.

FISCAL IMPACT:

None.

Ewell/Broughton/GRB

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-109: Settlement of the Civil Rights Litigation of Phillip Paulson - Ninth Circuit Court of Appeals Case No. 00-55406.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1162)

A Resolution approved by the City Council in Closed Session on Tuesday, March 25, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$215,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the civil rights litigation of Phillip Paulson (Ninth Circuit Court of Appeals Case No. 00-55406, Phillip Paulson v. City of San Diego, et al);

Authorizing the City Auditor and Comptroller to issue one check in the sum of \$215,000 made payable to Phillip Paulson and his attorney, Law Offices of James E. McElroy, in full settlement of the attorney's fees and costs incurred in the District Court and Ninth Circuit Court of Appeals;

Declaring that the funds are to be payable from Fund No. 81140.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-110: Closed Circuit Televising (CCTV) Inspection and Assessment.

(See memorandum from Scott Tulloch dated 4/2/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1191)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$500,000 from Fund 41509, Unallocated Reserve, Department 777, Org. No. 445, to Fund No. 41506, Department 773, Org. 820, Job Order 8206.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/9/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The Metropolitan Wastewater Department is focused on preventing sewerage system spills and minimizing these spills collective impact on the environment. Additionally, the City Council and Mayor Murphy have identified water quality as an important goal for the City. Accordingly, MWWD has embarked on a program to inspect and assess the pipelines considered most at risk of experiencing a spill.

With the authorization of City Council, MWWD has entered into two phase funded agreements to inspect certain sewer mains and manholes as part of our Phase III televising efforts. Both firms are working efficiently and expeditiously. The CCTV data collected during the inspection process identifies problem areas and allows City crews to remove blockages or repair damage, thereby preventing spills before they occur. The data will also be instrumental in evaluating the condition of the sewer mains and identifying locations where high priority rehabilitation or replacement is required. To maintain the current momentum of each firm, MWWD intends to accelerate work currently scheduled to commence in FY2004.

This action authorizes the transfer of funds from the Metropolitan Wastewater Department's Unallocated Reserve to the Wastewater Collections Division's operations and maintenance budget for CCTV activities in Fiscal Year 2003.

FISCAL IMPACT:

The total of this action is \$500,000 which is available in the Unallocated Reserve Fund 41509.

Mendes/Tulloch/DG

Aud. Cert. 2301062.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-111: Appointments and Reappointments to the Board of Building Appeals and Advisors.

(See memorandum from Mayor Murphy dated 4/10/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1200)

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Board of Building Appeals and Advisors, in categories as indicated, for terms ending March 1, 2005:

Reappointments:

Michael V. Furby (General Contractor)
Tony Kan (Electrical Engineer)
John Littrell (Mechanical Electrical Engineer)

Appointments:

Dale W. Naegle (Disabled Community Representative)
(Replacing Daniel M. Bridgett, whose term has expired)
Cameron D. Duncan (Structural Engineer)
(Replacing Matthew N. Martinez, whose term has expired)

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-112: San Diego County Women's Hall of Fame Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1152)

Commending the San Diego County Women's Hall of Fame for its outstanding efforts to acknowledge and honor women who have had a positive influence on life in San Diego;

Proclaiming March 22, 2003 to be "San Diego County Women's Hall of Fame Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-113: Excusing Councilmember Charles Lewis from the Land Use and Housing Meeting of Wednesday, April 23, 2003.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1183)

Excusing Councilmember Charles Lewis from attending the regularly scheduled Land Use and Housing Meeting of April 23, 2003, due to a scheduled meeting of the League of California Cities in Sacramento that same day.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-114: Five actions related to Approval of Suggestion Awards.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1155)

Adrian G. Hill - MWWD Department - \$2,500.

Subitem-B: (R-2003-1156)

Enrico C. Layug - MWWD Department - \$328.05.

Subitem-C: (R-2003-1157)

Enrico C. Layug - MWWD Department - \$1,880.25.

Subitem-D: (R-2003-1158)

Bruce E. Hoover - MWWD Department - \$236.40.

Subitem-E: (R-2003-1159)

John L. Cozad - MWWD Department - \$280.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-115: Declaring a Continued State of Emergency Regarding the Discharge of Raw

Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-986)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-116: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-804)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-117: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1090)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis

C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-118: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1022)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

**ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTION:**

- ITEM-150: Prevailing Wage Requirement, Inviting Bids and Award of Contract for Miramar Water Treatment Plant Upgrade and Expansion - Contract A.

(See City Manager Report CMR-03-072 and memorandum from Larry Gardner dated 1/28/2003. Scripps Miramar Ranch Community Area. Districts-1, 2, 5, 6, and 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-839)

Approving the plans and specifications and inviting bids for the Construction of Miramar Water Treatment Plant Upgrade and Expansion - Contract A (Project), on Work Order No. 182481A;

Authorizing the City Manager to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project, contingent upon (a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; (b) the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer; and (c) the passage of the FY 2004 Capital Improvement Program and Appropriation Ordinance Budget;

Authorizing the expenditure of an amount not to exceed \$77,779,773 from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion and \$7,290,171 from Water Fund 41500, CIP-73-331.0, Water Pooled Contingency, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer, contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriation Ordinance Budget;

Approving the use of City Forces on the Project to implement water treatment plant shut downs and perform other work necessary to help minimize and mitigate disruptions to the City's water service during construction of the Project for a cost not to exceed \$200,000;

Authorizing the expenditure of \$10,000 for right-of-way and easement related costs available in Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer, contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriation Ordinance Budget;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K03482C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/5/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

**COMMITTEE ON PUBLIC SAFETY AND NEIGHBORHOOD SERVICES, ORDINANCE
TO BE INTRODUCED:**

ITEM-151: Prohibitions Against Consumption of Alcoholic Beverages by Minors and
Allowing or Hosting Gatherings Where Minors are Consuming Alcoholic
Beverages.

(See Report from the City Attorney dated 2/27/2003.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2003-114)

Introduction of an Ordinance amending Chapter 5, Article 6, of the San Diego
Municipal Code by adding Sections 56.60, 56.61, 56.62, and 56.63, relating to
Prohibitions Against Consumption of Alcoholic Beverages by Minors and
Allowing or Hosting Gatherings Where Minors are Consuming Alcoholic
Beverages.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 3/5/2003, PS&NS voted 5 to 0 to support the City Attorney's recommendation for this
ordinance. (Councilmembers Zucchet, Atkins, Lewis, Maienschein, and Frye voted yea.)

SUPPORTING INFORMATION:

Background:

Consumption of alcoholic beverages by minors and parties where minors consume alcoholic
beverages present a myriad of problems for the minor, the community, and law enforcement. For
minors, alcohol abuse can lead to traffic crashes, violent crime, accidental injury, alcohol
poisoning, and increased risk taking behaviors. Proponents of the ordinance have stated that
alcohol is the number one drug of choice for minors. In a recent survey, 57% of local high school
students reported drinking at friends' homes. Combating Underage Drinking, 1999. In another
study it was determined that underage drinking "occurs primarily outside commercial
establishments and most often in residences and open areas like beaches and parks." Mayer,
Forster, Murray, and Wagenaar, 1998. For the community, neighbors are routinely required to
deal with the aftermath of underage drinking parties, such as vandalism to cars and homes,
littering, urine and feces in their yards, loud noises, and traffic congestion.

Finally, law enforcement is faced with having to spend an inordinate amount of resources to
respond to party calls. In 2001, the San Diego Police Department responded to 7,519 home party
calls, costing in excess of \$298,000. In addition, from January to November 2002, the San Diego
Police Department issued 1577 minor in possession citations (violations of Business and
Professions Code Section 25662). The proposed ordinance addresses the problems related to

minors consuming alcohol and underage drinking parties.

Ordinance:

The proposed ordinance would amend the San Diego Municipal Code: (1) to make it a misdemeanor for a minor to consume alcoholic beverages in any public place, place open to the public, and any place not open to the public (unless supervised by a parent or guardian), and (2) to make it a misdemeanor to permit, host, or allow a party or gathering where three or more minors are gathered and a minor is consuming alcoholic beverages at a private residence (under age drinking party). As misdemeanors, violations of the ordinance could be punishable by up to six months in the county jail and/or \$1,000 fine.

Currently there is no law which makes it a crime for a minor to consume alcoholic beverages. It is, however, illegal under state law for a minor to possess alcoholic beverages in public, but not in places not open to the public. The proposed ordinance would fix the gap in the law by prohibiting consumption in both public places and places not open to the public. The ordinance does not apply when a parent or guardian is supervising the consumption of alcohol. Furthermore, there is currently no law which makes it a crime to host an underage drinking party. There are laws which address the symptoms of an underage drinking party, such as laws against littering, urinating in public, and vandalism. However, these laws do not hold the host responsible for the impact their party has had on the public and minor. A question which has arisen, involves a scenario where an adult parent leaves for the weekend and their son or daughter hosts an underage drinking party without the parents knowledge or consent.

Is the parent in violation of the proposed ordinance? The answer is no. The ordinance requires that suspected violator have knowledge of the party. Finally, the prohibition against hosting an underage drinking party does not apply when the gathering is supervised by the parent or guardian of each minor that is present. The purpose of the exception is to exclude religious and similar types of family gatherings from being subject to the ordinance.

Legislative History:

The proposed ordinance was introduced at the Public Safety and Neighborhood Services Committee on March 5, 2003 by a vote of five to zero; it was recommended that the ordinance be adopted by the City Council.

Ewell/Devaney/MO

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCE TO BE INTRODUCED:**

ITEM-200: Amend Billboard Ordinance Regulating Alcohol Advertising.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-80)

Introduction of an Ordinance amending Chapter V, Article 8, Division 5, of the San Diego Municipal Code by amending Sections 58.0501, 58.0502, 58.0503, and 58.0504, all pertaining to Restricting the Advertising of Alcoholic Beverages to Youth.

CITY MANAGER SUPPORTING INFORMATION:

This amendment proposes changes required by United States District Court Stipulated Consent Judgement Case No. 01CV1941 BTM (JFS) regarding billboard alcohol advertising in the City of San Diego. The terms of the judgement were already agreed to by the City Council in Closed Session. This action simply amends the Municipal Code to be consistent with the stipulated judgement.

The amendment redefines the billboards that are restricted from alcohol advertising which will now include all billboards within 500 feet (amended from 1,000 feet) of daycare centers, libraries, playgrounds, recreation centers and facilities, and schools, and any other billboards that are clearly visible from locations at these sites where children are likely to congregate. This amendment eliminates arcades from the original list of sites, and more clearly defines child care centers, libraries, playgrounds, recreation centers, and schools. The amendment also modifies the enforcement provisions of the ordinance.

FISCAL IMPACT:

None.

Loveland/Samuels/FH

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARINGS:

ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on April 22, 2003.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

ADOPTION AGENDA, DISCUSSION, HEARINGS
NOTICED HEARINGS:

ITEM-202: TEFRA Hearing on Refunding of 1993 Certificates of Participation (Balboa Park/Mission Bay Capital Improvements Program).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1161)

Approving the execution and delivery of the Certificates of Participation for the Balboa Park/Mission Bay Park Capital Improvements, for the refinancing of the Project in an amount not to exceed \$22,000,000; the proceeds of the Series 1993 Certificates were used for the purposes and for the facilities to be owned, operated or managed by the users set forth in the notice of public hearing. It is the purpose and intent of this Council that this Resolution constitute approval of the issuance of obligations by applicable elected representatives at the governmental unit having jurisdiction over the area in which the program is to be conducted, in accordance with Section 147(f) of the Code.

CITY MANAGER SUPPORTING INFORMATION:

On March 17, 2003, the City County approved Ordinance No. O-2003-121 and Resolution R-2003-994 authorizing the refunding of 1993 Certificates of Participation (Balboa Park/Mission Bay Park Capital Improvements). Since a portion of the Certificates may be treated as "qualified 501(c)(3) bonds" within the meaning of the Internal Revenue Code of 1986, it is necessary that the City conduct a public hearing for the purpose of hearing and considering information concerning the possible execution and delivery of the Certificates of Participation in an amount not to exceed \$22.0 million, as previously authorized by the above referenced Council actions. A public hearing for this purpose will be held at the City Council meeting on April 21, 2003. A Public Notice of the meeting will be published prior to the meeting date, in accordance with the requirements of Section 147(f) of the

Code.

FISCAL IMPACT:

The annual lease payments for the Certificates of Participation authorized by Ordinance No. O-2003-121 is estimated to be approximately \$74,000 lower than the annual lease payments on the original refunded 1993 Certificates of Participation.

Frazier/Vattimo/LK

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Settlement of the Property Damage Claim of Old Town Plaza, et. al.
Claim File No. LP03-0706-0740.

(R-2003-1092)

Adopted as Resolution R-297773.

A Resolution approved by the City Council in Closed Session on Tuesday, March 18, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-not present; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$300,097.50 in complete settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of Old Town Plaza, et. al. v. City of San Diego on September 20, 2002;

Authorizing the City Auditor and Comptroller to issue various checks in the amount of up to but not exceeding \$300,000 made payable to Luth & Turley, Inc. in full settlement of all claims.

Aud. Cert. 2300952.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Settlement of the Property Damage Claim of San Diego 101 RFP III, et al. Claim File No. LP03-0705-1406.

(R-2003-1116)

Adopted as Resolution R-297774.

A Resolution approved by the City Council in Closed Session on Tuesday, March 18, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-not present; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$129,467.32 in complete settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of San Diego 101 RFP III, et al., on November 30, 2002;

Authorizing the City Auditor and Comptroller to issue various checks in the amount of up to but not exceeding \$124,467.32 made payable to various claimants and Luth & Turley, Inc. in full settlement of all claims.

Aud. Cert. 2300975.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Settlement of the Personal Injury Claim of Annette Rockoff.

(R-2003-1109)

Adopted as Resolution R-297735.

A Resolution approved by the City Council in Closed Session on Tuesday, March 18, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$125,000 in the settlement of each and every claim against the City, its agents and employees, resulting from personal injury to Annette Rockoff as a result of the incident which occurred on June 12, 2001 (Superior Court Case No. GIC-788577, Annette Rockoff v. City of San Diego);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$125,000, made payable to Annette Rockoff and her attorney of record, Thomas

Gniatkowski, in full settlement of all claims.

Aud. Cert. 2300976.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: Settlement of Property Damage Claim of Kate Martin - Claim File
No. LP02-7773-2947-0740.

(R-2003-1182)

Adopted as Resolution R-297845.

A Resolution approved by the City Council in Closed Session on Tuesday, April 8, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$108,468.49 in complete settlement of each and every claim against the City, its agents and employees, resulting from property damage claim of Kate Martin on May 6, 2002;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$78,087.44 made payable to Luth and Turley, Inc., in full settlement of all claims.

Aud. Cert. 2301040.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-254: **Notice** of Pending Final Map Approval - Black Mountain Ranch Unit No. 15.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Black Mountain Ranch Unit No. 15," a copy of which is available for public viewing at the office of

the San Diego City Clerk. Said project is located northwesterly of I-15 and Carmel Mountain Road in the Rancho Peñasquitos Community Plan Area in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: April 16, 2003

REPORT NO. 03-066

ATTENTION: Honorable Mayor and City Council
Docket of

SUBJECT: Developer Fees FY 2002 Annual Report

SUMMARY

Issue - Should the City Council adopt a resolution accepting the attached developer fees reports for Fiscal Year 2002 and make findings related to unexpended balances as required in the California Government Code 66001?

Manager's Recommendation - Adopt the resolution accepting the attached reports and make findings as required by the California Government Code.

Other Recommendations - None with this action.

Fiscal Impact - None with this action.

BACKGROUND

The purpose of this Manager's Report, and the accompanying attachments, is to fulfill State mandated annual reporting and disclosure requirements with respect to the imposition of development impact fees by local governments.

DISCUSSION

The California Government Code requires that local agencies that impose fees in connection with the approval of development projects make certain information available to the public on an annual basis. This section of the Government Code requires that the following be disclosed: a) a brief description of the type of fee in the fund; b) the amount of the fee; c) the beginning and ending balance of the fund; d) the amount of fees collected and the interest earned; e) an identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement; and f) an identification of an approximate date by which the

construction of the public improvement will commence if the public agency determines that sufficient funds have been collected to complete financing of an incomplete public improvement.

Reports 1 through 3 relate to Development Impact Fees, Park Development Fees, and Urban Impact Fees. Reports 4 and 5 relate to the Sewerage Utility Expansion fund and the Water Utility Expansion fund. These reports were made available to the public in the City Clerk's Office on December 19, 2002.

Section 66001 of the Government Code mandates additional disclosure with respect to any fees collected and remaining unexpended in the fifth year after collection. For this category, whether the fees are committed or not, the following findings must be made: 1) identify the purpose to which the fee is to be put; 2) demonstrate a reasonable relationship between the fee and the purpose for which it is charged; and 3) identify all sources and amounts of funding anticipated to complete financing in incomplete improvements and the approximate dates on which such funding is expected to be deposited into the appropriate fund. When sufficient funds have been collected to complete financing of incomplete public improvements and the improvements remain incomplete, the agency is required to identify an approximate date by which construction of the public improvement will be commenced, or shall refund to the then current owners of record the unexpended portion of the fee and interest accrued thereon with limited exception. Required findings for funds collected over five years ago are contained in Attachment 6.

ALTERNATIVE

Do not accept the attached reports.

Respectfully submitted,

S. Gail Goldberg, AICP
Planning Director

Approved: P. Lamont Ewell
Assistant City Manager

GOLDBERG/CMG

Attachments: 1. Report #1 Development Impact Fee (Planned Urbanizing)
2. Report #2 Park Development Fees
3. Report #3 Urban Impact Fees
4. Report #4 Sewerage Utility Expansion Fund
5. Report #5 Water Utility Expansion Fund
6. Findings
7. Fee Schedule

Note: Because of their bulk, the attachments are included with copies distributed to the City Council and the City Clerk. Copies of the attachments may be requested from the Facilities Financing Section of the Planning Department at 533-3670.

FINDINGS FOR FUNDS COLLECTED OVER FIVE YEARS AGO
DEVELOPMENT IMPACT FEES FISCAL YEAR 2002 ANNUAL REPORT

1. What is the purpose of the Impact Fee? The proposed Impact Fees are to ensure that new development provide its fair share funding for community public facilities.
2. What is the use to which the fee is to be put? The Impact Fees will be used to finance transportation, park and recreation, or library facilities as indicated in each fund explanation.
3. What is the reasonable relationship between the fee's use and the type of development project on which the fee is imposed? The Impact Fees will be used to provide for a fair share contribution for community infrastructure projects needed to serve both residential and non-residential development.
4. What is the reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed?
 - Transportation Projects: Both residential development and non-residential development utilize the community's transportation system which requires various street projects, traffic signal interconnect systems, landscaping, and medians.
 - Park and Recreation Projects: Residential development utilizes the community's parks and improvements are necessary based on the population build-out and the General Plan standards to maintain the existing levels of services.
 - Library Projects: residential development utilizes the community libraries and expansions are necessary based on the population build-out and the General Plan standards to maintain the existing levels of service.

The following funds have unexpended net balances as of June 30, 2002. The reasons for these unexpended funds and the actions taken are discussed below.

Sorrento Hills Park Development Fund 39093 - \$8,749.51

Funds will be allocated to fund a portion of the Sorrento Hills share of CIP 29-764.0 "Carmel Valley Community Park-South." The FY 2002 Carmel Valley Public Facilities Financing Plan reflects the Sorrento Hills community's contribution to this project in FY 2004.

La Jolla Impact Fee Fund 79514 - \$74,264.03

During the first quarter of FY 2003, funds remaining on balance were expended on CIP 52-583.0, "Reconfiguration of La Jolla Shores Drive, Torrey Pines Road, and Ardath Road."

Kearny Mesa Impact Fee Fund 79530 - \$1,251,307.72

Identification of vernal pools on the Serra Mesa Branch Library site necessitated resiting and redesign of the proposed library. The facility redesign is nearing completion with an anticipated construction start in FY 2004.



THE CITY OF SAN DIEGO
MANAGER'S REPORT

DATE ISSUED: November 20, 2002 REPORT NO. 02-279

ATTENTION: Land Use and Housing Committee
Agenda of November 27, 2002

SUBJECT: Homeless Services Task Force Report

SUMMARY

Issues -

1. Should the City Council accept the Homeless Services Task Force Report?
2. Should the City Council direct the City Manager to begin the process of updating Council Policy 000-51 as recommended by the Homeless Services Task Force?
3. Should the City Council direct the City Manager to begin the process of establishing a Homeless Advisory Committee and Siting Guidelines Task Force as recommended in the Task Force Report?
4. Should the City Council direct the City Manager to prioritize and analyze the remaining recommendations included in the Task Force Report with the participation of the newly formed Homeless Advisory Committee and return with recommendations and fiscal impacts?

Manager's Recommendations -

1. Accept the Homeless Services Task Force Report.
2. Direct the City Manager to begin the process of updating Council Policy 000-51 as recommended by the Homeless Services Task Force.
3. Direct the City Manager to begin the process of establishing a Homeless Advisory

Committee and Siting Guidelines Task Force as recommended in the Task Force Report.

4. Direct the City Manager to prioritize and analyze the remaining recommendations included in the Task Force Report with the participation of the newly formed Homeless Advisory Committee and return with recommendations and fiscal impacts.

Other Recommendations - None.

Fiscal Impact – None with this action.

BACKGROUND

During the approval process of the 2001/2002 Winter Shelter Program, a number of programmatic issues were discussed including operator selection, siting, and prioritization of services. In order to address these and other overall Homeless Services Program issues, a Homeless Task Force was established who met biweekly between February and June of this year.

DISCUSSION

The initial goals of the task force were to: 1) prioritize programs and services as input for funding decisions, 2) prepare siting guidelines, 3) provide input for the RFP process and 4) recommend the next steps. After the first meeting it became clear that in order to address the numerous issues related to homelessness, a long-term advisory group needs to be established. Therefore, the task force determined that a more productive course of action would be to: 1) review the City's current homeless policy, 2) identify and acknowledge progress made, and 3) make recommendations for future actions. In addition to City and Agency staff, several individuals receiving direct funding from the City for the provision of homeless services agreed to serve on the task force. Sister RayMonda Duvall, Catholic Charities and John Thelen, Regional Task Force for the Homeless agreed to serve as Co-Chairs. A list of all members is included as Attachment 1.

The task force developed a number of recommendations based on a comprehensive review of the City's Homeless Policy (000-51), current socioeconomic conditions, and their experience and expertise in the field. While they specifically acknowledged the City sponsored activities and programs designed to meet the needs of the homeless, they also felt strongly that more needs to be done to close the gap in available shelter beds and services. The comprehensive list of recommendations can be found in Appendix B of the final report. The recommendations that can be immediately adopted without a fiscal impact are as follows: update Council Policy 000-51, establish a Homeless Advisory Committee and establish a Siting guidelines Task Force. The remaining recommendations require further analysis regarding feasibility and budgetary impacts. In addition to these recommendations, we have included as an attachment the recommendations of the East Village Redevelopment Homeless Advisory Committee as requested and were forwarded to the members of the Homeless Task Force. Many of their recommendations are similar to those

included in the Task Force Report.

Several members of the task force indicated an interest in participating on both the Advisory Committee and Siting Guidelines Task Force. We recommend the Siting Guidelines Task Force also include City and Agency staff (i.e. Community & Economic Development, Development Services, Real Estate Assets, Housing Commission, CCDC), as well as, a representative from the planning groups in areas where the winter shelter program has been sited in the past. Staff has also prepared and included both the recommended strikeover and revised versions of Council Policy 000-51 for review and is prepared to move forward as directed.

ALTERNATIVES: None.

Respectfully submitted,

Debra Fischle-Faulk
Community Services Deputy Director
Community & Economic Development

Concur: Hank Cunningham
Director
Community & Economic Development

Approve: Bruce Herring
Deputy City Manager

Attachments: 1. List of Task Force Members
2. Homeless Services Program Task Force Report
3. Strikeover Version of Council Policy 000-51
4. Revised Version – Council Policy 000-51
5. East Village Redevelopment Homeless Advisory Committee Recommendations

Note: Attachments are not available in electronic format. Copies of the attachments are available for review in the Office of the City Clerk.



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: April 16, 2003 REPORT NO. 03-072

ATTENTION: Honorable Mayor and City Council
Docket of

SUBJECT: Prevailing Wage Requirement, Miramar Water Treatment Plant
Upgrade and Expansion Contract A

SUMMARY

Issue - Should the City Manager issue an Addendum requiring Prevailing Wages to the Miramar Water Treatment Plant Upgrade and Expansion Contract A?

Manager's Recommendations - 1) Approve the Plans and Specifications and Authorize Award of the Miramar Water Treatment Plant Contract A without a Prevailing Wage Requirement; 2) Refer Discussion of the Issues Associated with Prevailing Wage Requirements to Committee and/or Council; 3) Create a Policy on Application of Prevailing Wages to Public Works Projects.

Other Recommendations – None.

Fiscal Impact - Potential increase of 6 to 10 percent on project costs.

BACKGROUND

In a memorandum dated March 18, 2003, Deputy Mayor Ralph Inzunza requested that the City Manager issue an addendum requiring prevailing wages to the Miramar Water Treatment Plant (WTP) Upgrade and Expansion Contract A (Miramar Contract A). Prevailing wage requirements are not currently included in the contract specifications because the Miramar WTP project is a municipal affair project and is not subject to the state's prevailing wage requirements. In addition, prevailing wage requirements are not included in accordance with City Council Resolution No. R-251555 which directs that

prevailing wages be required only when mandated by the use of state or federal funds or when a project is otherwise a statewide concern.

This report provides the Mayor and City Council with a summary of possible advantages and disadvantages associated with including prevailing wage requirements on the Miramar WTP project and on the City's public works projects generally. This report also highlights some of the potential impacts on the Miramar WTP project if construction of the project is delayed. Finally, this report concludes that further information and analysis are necessary in order to adequately address the impacts associated with prevailing wage requirements.

Attached is the original description of the project (Attachment 3) and Deputy Mayor Inzunza's March 18, 2003 memorandum requesting the consideration of prevailing wages (Attachment 4).

DISCUSSION

As a part of the Water Department Capital Improvement Program (CIP), the Miramar WTP is scheduled for expansion from its current capacity of 140 million gallons per day (MGD) to 215 MGD in order to meet the treated water demands of its City service area. This project will also improve operation and maintenance of the facility, and will ensure that the water treated at the Miramar WTP meets the new drinking water standards set by the EPA. Miramar Contract A represents the first of four contracts for the Miramar WTP project.

Staff has preliminarily identified the following potential advantages and disadvantages to the City associated with requiring prevailing wages:

Potential Advantages to the City Associated with Prevailing Wages:

- Requiring prevailing wages may standardize the labor costs for all bidding contractors. This could attract more bidders from union contractors that might not otherwise bid.
- Requiring prevailing wages may enhance the City's ability to better budget projects by facilitating estimation of costs for additional work during construction.
- Requiring prevailing wages may help to ensure that contractors use highly skilled labor and enhanced technology to deliver a high quality work product.

Potential Disadvantages to the City Associated with Prevailing Wages:

- Requiring prevailing wages does not guarantee that the City will receive a higher quality work product.
- Requiring prevailing wages may deter bids from qualified nonunion or "open shop" contractors.
- Requiring prevailing wages may impact the City's policy of encouraging inclusion of small and emerging businesses at the prime and subcontractor level, including businesses owned by women and people of color. Small and emerging

- businesses often cannot absorb the additional administrative costs associated with prevailing wage requirements. Nevertheless, there are a number of small and emerging businesses that currently are utilized in State and Federal funded projects that require prevailing wages. In addition, technical assistance could be provided to small firms on the administration of prevailing wage projects.
- Requiring prevailing wages on all City public works projects would require additional staff in order to adequately perform monitoring requirements. Adequate staffing could cost approximately \$355,000 to \$640,000 annually. The staff cost estimate is based on the City of Los Angeles monitoring efforts of prevailing wages for its CIP Program, which would be similar in size to San Diego's CIP program.
 - Requiring prevailing wages on all four phases (Contracts A-D) of the Miramar Project could increase the capital cost of the Project. Utilizing the RS Means Estimating Approach, comparing the differences between prevailing and non-prevailing rates would result in an estimated cost increase of \$7.6 to \$12 million. The estimated cost increase for Contract A above would be approximately \$5 to \$6.9 million. R.S. Means, a subsidiary of Reed Construction Data is a construction publisher. R.S. Means is in the business of researching, analyzing, and reporting construction costs. The data is collected on a daily basis and includes unit prices, productivity rates, crew composition, contractor's overhead and profit rates, and construction materials and techniques.
 - Requiring prevailing wage on CIP projects that are not currently budgeted for prevailing wages could increase the capital cost of those projects by an estimated \$33 million in the next five years. This increase could result in the City's inability to complete the CIP program due to lack of available funds. If this occurs it may have to be disclosed in the City's annual bond disclosure. This could also have credit implications for the next series of bonds if the CIP program is not completed on schedule. Additionally, the Water Department's rate case did not contemplate substantial increases in the CIP program, thus rates may have to be increased and/or new bonds issued sooner than expected in order to fund the program.

The Miramar Project will not be Adversely Affected by the Absence of a Prevailing Wage Requirement:

The Water Department does not believe the absence of a prevailing wage requirement from Miramar Contract A will result in the hiring of an unqualified workforce or in the delivery of an inferior project. First, the Water Department takes an active role in quality assurance on its construction projects. For all projects, the Water Department utilizes a consultant Construction Manager or the City's Field Engineering Division to oversee compliance with the architectural and engineering design specifications, and to coordinate inspections by appropriate agencies for compliance with applicable building codes. Further, design professionals are retained during construction to review shop drawings and respond to requests for information. In addition, materials testing is provided by the Water Department, either through the City's Materials Testing Laboratory or by an independent laboratory hired through the Construction Manager.

Second, all bidders on Miramar Contract A must successfully complete a two-step pre-qualification process. The City has implemented a citywide Contractor Pre-Qualification Program as part of its construction quality assurance process. This program is based upon the model developed by the California Department of Industrial Relations. By evaluating contractors' apprenticeship program participation, dispute record, safety performance, contractors' ability to meet equal opportunity participation levels and project references, the Contractor Pre-Qualification Program helps to ensure that low bid contractors will deliver projects that meet or exceed the City's expectations.

Third, the Miramar WTP and other large industrial facility projects require the use of skilled trades. Therefore, in order to meet the requirements of the contract specifications, a contractor must perform the project using skilled labor.

The Miramar WTP Project Should not be Delayed:

Delays in the construction of the Miramar WTP project could have severe impacts on the City. For example, the project must begin construction this year and be completed by June 2008 in accordance with Department of Health Services Compliance Order No. 04-14-96-022. As a result, if this project is delayed the City could face substantial fines and/or penalties. Additionally, this project is critical for meeting the City's treated water supply demands. Any major delay to the project could result in a shortage of water available to the City of San Diego by 2007 or 2008.

Further, a delay in the award of Miramar Contract A could result in an estimated \$200,000 per month in escalation costs. These escalation costs are associated with increased labor, material and equipment costs as a result of inflation. Escalation costs due to delays on the three subsequent contracts could amount to \$100,000 per month. Other costs associated with delays in construction of the project, including treated water purchases estimated at \$10,000 per day and additional design and project management costs, are not included in the escalation cost estimates.

Legal Issues:

The City Attorney's Office has advised that the Miramar WTP project is a municipal affair and is not subject to the state's prevailing wage laws. See attached Memorandum of Law dated April 11, 2003. The City Attorney's Office has also advised that under certain circumstances the Mayor and Council have the discretion to require prevailing wages on a public works municipal affair project. Prevailing wages should not be required on such projects, however, unless Resolution No. R-251555 is waived or rescinded. Refer to City Attorney Opinion Number 2003-1.

CONCLUSION

It is recommended that the Mayor and Council authorize award of Miramar Contract A without a prevailing wages specification. The absence of a prevailing wages specification will not adversely affect the Miramar Project: the "open shop" bidding process has worked for the Water Department's projects and based on statistical information potentially resulted in substantial cost savings for the ratepayers. It is not recommended

that the Mayor and Council defer authorization to award Miramar Contract A until resolution of the issues associated with prevailing wages. A deferral could result in major impacts to the CIP program and to the availability of the City's treated water supply.

It is also recommended that the Mayor and Council direct staff to thoroughly assess the impacts of prevailing wage requirements prior to implementing these requirements on the City's public works projects. This effort will take approximately 30 to 60 days to complete. More information is needed in order to adequately assess the advantages, disadvantages, and impacts. As part of the assessment, staff would develop possible criteria and generic findings that could allow for the Council to identify prevailing wage projects on a case-by-case basis. It is recommended that the issues associated with prevailing wages be referred to Committee and/or the City Council for review and discussion. The issues can then be thoroughly discussed based on sufficient information, including legal advice from the City Attorney's Office. Finally, it is recommended that a policy be created for City staff to provide guidance on the decision of whether to include a prevailing wage specification in the City's public works contracts when not otherwise required by law.

ALTERNATIVE

Authorize award of the Miramar Project Contract A subject to an addendum being issued to require prevailing wages. This would require Council to waive Council Resolution No. R-251555 and establish findings in accordance with City Attorney Opinion No. 2003-1.

Respectfully submitted,

Larry Gardner
Water Department Director

Approved: Richard Mendes
Utilities General Manager

GARDNER/VB

- Attachments:
1. Resolution No. R-251555
 2. Memorandum of Law dated April 11, 2003
 3. Project Description
 4. Memorandum from Deputy Mayor Inzunza dated March 18, 2003

Note: The attachments are not available in electronic format. A copy of the attachments are available for review in the Office of the City Clerk.